



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/309,366	05/11/1999	MICHAEL R. BANDEMER	BRUNOM.002A	7404

20995 7590 03/08/2004

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
----------	--------------

2175

DATE MAILED: 03/08/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Sc

Office Action Summary

Application No.

09/309,366

Applicant(s)

BANDEMER, MICHAEL R.

Examiner

Sam Rimell

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,8-11,19-24 and 26-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,4,8-11,19-24 and 26-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Preliminary Note: This office action includes new grounds of rejection based on prior art not previously made of record. Accordingly, this office action is made non-final.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10: The phrase "wherein the a number" is gramatically incorrect and unclear.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 8-11, 19, 21-24 and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wuller et al. (U.S. Patent 5,721,691, cited by applicant) in view of Official Notice).

Claim 1: Wuller et al. discloses a system which takes photographs of an interior building space and generates a two dimensional map (74). The two dimensional map is a floor plan map.

An item of observational information is a particular area of the floor plan, such as a room or a particular item within the room. The floor plan identifies locations where defects occur. The defects are contaminant materials. The hazardous materials are classified into types. One type is radiological substances (col. 5, line 49). The other is general toxic substances (col. 5, line 50). An identification code, such as "1", "2", "3" or 4" is assigned to the observational information

Art Unit: 2175

and annotated on the floor plan. The map can then either be displayed (82) or stored (78). Wuller et al. differs in that the map is not explicitly shown as having a bar code. However, Examiner takes Official Notice that it is was known in the art at the time of invention to place bar codes on documents so that the paper versions of those documents can be uniquely identified. Even the patent to Wuller itself includes a bar code in the top right corner of the cover page for this exact purpose. It would have been obvious to one of ordinary skill in the art to modify the floor plan map (74) of Wuller et al. to include a bar code so as to permit the paper versions of those documents to be uniquely identified as is well known from the recited Official Notice.

Claim 4: Any one of the numbers “1”, “2”, “3” or “4” are identification codes. Any other of these numbers be referred to as defect codes. For example, if “1” is an identification code, “2” is fairly readable as a defect code.

Claim 8: The survey report (80) includes textual description of the defect. The defect is contamination.

Claim 9: The system includes photographs (30). The floor plan map (74) is also based on a photograph.

Claim 10: The identification codes are physically located on the floor plan map (74).

Claim 11: All of the data on the floor plan map is stored in a database (78).

Claim 19: See remarks for claim 1. The bar code corresponds to the claimed “object identifier”. The map may also be displayed by retrieving it from the database (78). An annotated graphical representation (84) may also be retrieved from the database (78), annotated with dosage information.

Claim 21: Wuller et al. discloses the generation of a two dimensional floor plan map (74). An item of observational information is a particular area of the floor plan, such as a room or a particular item within a room. The location information are the numbers "1", "2", "3", "4" since they identify particulars locations within the floorplan map. The map can also include defect information, shown by the swirled lines in box (84). Each of the pieces are information are linked together on the floorplan map and stored in the database (78).

Claim 21 differs in that it does not include a bar code (object identifier) assigned to the map. However, Examiner takes Official Notice that such identifiers were well known at the time of invention to uniquely identify the paper versions of documents. The patent to Wuller itself includes a bar code on the first page to uniquely identify the paper version of the document. It would have been obvious to one of ordinary skill in the art to modify Wuller et al. to include a bar code so as to permit the paper version to be uniquely identified, as is well known in the art.

Claims 22-23: The maps (74, 84) are stored in the database (78) and can be retrieved for display.

Claim 24: See remarks for claim 4.

Claim 26: The bar code is an object identifier.

Claim 27: See remarks for claim 1.

Claim 28: See remarks for claim 8.

Claim 29: See remarks for claim 9.

Claim 30: See remarks for claim 10.

Claim 31: See remarks for claim 11.

Claim 32: See remarks for claim 1.

Art Unit: 2175

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 20 is rejected under 35 U.S.C. 102(e) as being anticipated by Casto (U.S. Patent 6,038,547).

Claim 20: FIG. 5 of Casto discloses a display output. The subcontractor identifiers are the names of the subcontractors, such as “Joplin” and “Acme”. The trade identifiers are the sections of the building which the contractors work on. The trade percentage is the percentage of work which has been completed. For example, Joplin has completed 35% of its work on Section A, Level 1, Region A. The trade percentage (percentage of work completed) is associated with a costs (FIG. 2, col. G), the sum total of these costs for a given subcontractor being a repair cost. The state of the site or building prior to repair is considered a defect, and the repairs are thus actions to repair the defect. The display of FIG. 5 displays the respective subcontractor percentages.

Remarks

This office action includes new grounds of rejection necessitated by amendment. None of the previous grounds of rejection have been re-applied in this action. Accordingly, this action is made non-final.

Application/Control Number: 09/309,366

Page 6

Art Unit: 2175

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.

A handwritten signature in black ink, appearing to read 'S. Rimell', written in a cursive style.

Sam Rimell
Primary Examiner
Art Unit 2175